IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUIT NO.2338 OF 1994

Mahanagar Telephone Nigam Ltd. ..Plaintiff.
Vs.
Mahendra Shivji Udeshi & anr. ..Defendants.

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Mr. H.N. Jain i/b M/s. Gordhandas & Fozdar for the Plaintiff.
Mr. A.V. Acharya for Defendant No.1.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

20th July, 2007.

P.C. :

This Suit arises on a claim by the Maharashtra Telephone Nigam Limited for the recovery of an amount of Rs.56,200/- on account of unpaid telephone bills. A provision for arbitration has been made under Section 7-B of the Telegraph Act, 1885. Having regard to the statutory provisions contained in the Act as aforesaid and the judgment of the Supreme Court in **Telecom District Manager, Goa v. V.S. Dempo & Co.**[1], counsel appearing for the Plaintiff and the Defendant have fairly accepted that the dispute can be arbitrated upon by the Central Government

1 AIR 1996 SC 1545.

in terms of the provisions of Section 7-B. Counsel appearing for the Plaintiff states that the Central Government will be moved expeditiously for the appointment of an arbitrator having regard to the provisions of Section 7-B and the judgment of the Supreme Court. The claim in the suit shall accordingly be referred to arbitration upon the appointment of an arbitrator by the Central Government in terms of Section 7-B. The Plaintiff shall ensure that the arbitrator is appointed expeditiously and preferably within a period of four months from today.

All the rights and contentions of the parties on merits are kept open to be urged in the arbitration proceedings. The Suit shall accordingly stand disposed of.